

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CATHERINE KAZUE LINDBERG
651 East 22nd Street
Merced, CA 95340

Registered Nurse License No. 358346
Public Health Nurse Certificate No. 46328

Respondent.

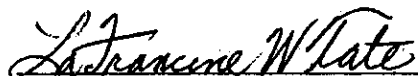
Case No. 2008-152

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 9, 2008

IT IS SO ORDERED this May 9, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

ORIGINAL

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-152

12 **CATHERINE KAZUE LINDBERG**
651 East 22nd Street
13 Merced, California 95340

**STIPULATED SURRENDER OF
LICENSES AND ORDER**

14 Registered Nurse License No. 358346
Public Health Nurse Certificate No. 46328

15
16 Respondent.

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18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Sterling A. Smith, Deputy Attorney General.

26 2. Catherine Kazue Lindberg (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

28 3. On or about March 31, 1983, the Board of Registered Nursing issued

1 Registered Nurse License No. 358346 to Respondent. The license will expire on December 31,
2 2008, unless renewed.

3 4. On or about June 12, 1990, the Board of Registered Nursing issued Public
4 Health Nurse Certificate no. 46328 to Respondent. The license will expire on December 31,
5 2008, unless renewed.

6 JURISDICTION

7 5. Accusation No. 2008-152 was filed before the Board of Registered
8 Nursing, Department of Consumer Affairs ("Board"), and is currently pending against
9 Respondent. The Accusation and all other statutorily required documents were properly served
10 on Respondent on November 17, 2007. Respondent timely filed her Notice of Defense
11 contesting the Accusation. A copy of Accusation No. 2008-152 is attached as exhibit A and
12 incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, and understands the charges and allegations
15 in Accusation No. 2008-152. Respondent also has carefully read, and understands the effects of
16 this Stipulated Surrender of License and Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
19 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
20 the right to present evidence and to testify on her own behalf; the right to the issuance of
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to
22 reconsideration and court review of an adverse decision; and all other rights accorded by the
23 California Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
25 each and every right set forth above.

26 CULPABILITY

27 9. Respondent admits the truth of each and every charge against Registered
28 Nursing License No. 358346 as alleged in Accusation No. 2008-152. Respondent agrees that

cause' exists for discipline against Registered Nursing License No. 358346 and that the allegations of the Accusation also support discipline against Public Health Nurse Certificate No. 46328. Respondent hereby voluntarily surrenders Registered Nursing License No. 358346 and Public Health Nurse Certificate No. 46328 for the Board's formal acceptance.

10 Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her registered nurse license and public health nurse certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender of Licenses and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of Licenses and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nursing License No. 358346 and Public Health Nurse Certificate No. 46328, issued to Respondent Catherine Kazue Lindberg, are surrendered and accepted by the Board.

1. The surrender of Respondent's registered nursing license and public Health nurse certificate, and the acceptance of the surrendered licenses by the Board, shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a registered nurse and a public health nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her wall license and certificate on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license or certificate in effect at the time the petition is filed, and all charges and allegations contained in Accusation No. 2008-152 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Upon reinstatement of the license or certificate, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the reduced amount of \$5,000.00. Respondent may be permitted to pay these costs in a payment plan approved by the Board.

6. Should Respondent ever apply or reapply for a new license or certificate, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2008-152 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.


7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of Licenses and Order. I understand

1 the stipulation and the effect it will have on my Registered Nurse License and Public Health
2 Nurse Certificate. I enter into this Stipulated Surrender of Licenses and Order voluntarily,
3 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

4 DATED: 3-3-08.

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6 
7 Catherine Kazue Lindberg
8 Respondent

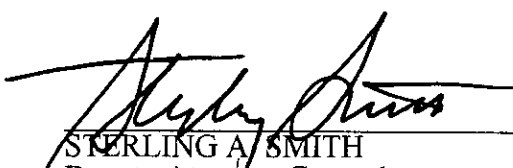
8 ENDORSEMENT

9 The foregoing Stipulated Surrender of Licenses and Order is hereby respectfully
10 submitted for consideration by the Board of Registered Nursing.

11
12 DATED: 3-11-2008

13 EDMUND G. BROWN JR., Attorney General
14 of the State of California

15 ARTHUR TAGGART
16 Supervising Deputy Attorney General

17 
18 STERLING A. SMITH
19 Deputy Attorney General

20 Attorneys for Complainant

21 DOJ Matter ID: SA2006101906
22 Stip Surrender of License.wpd
23
24
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2X Exhibit A
B220117 2008-152
Accusation No. 2008-152
2008-152

1 BILL LOCKYER, Attorney General
of the State of California
2 ARTHUR TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH, State Bar No. 84287
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Facsimile: (916) 324-5567
7
8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2008-152*

13 **CATHERINE KAZUE LINDBERG**
651 East 22nd Street
14 Merced, CA 95340

ACCUSATION

15 **Registered Nurse License No. 358346,**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. **Catherine Kazue Lindberg**. On or about March 31, 1983, the Board
23 of Registered Nursing ("Board") issued Registered Nurse License Number 358346 to Catherine
24 Kazue Lindberg ("Respondent"). The license will expire on December 31, 2008, unless
25 renewed.

26 ///

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RECEIVED
JUL 15 2008

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JURISDICTION

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3. Section 2750 of the Business and Professions Code ("Code") provides:

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Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof. Code, § 2700 et seq.)]. As used in this article, 'license' includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein.

10

STATUTORY PROVISIONS

11

4. Code section 2761 provides, in pertinent part:

12

13

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

14

15

(a) Unprofessional conduct, which includes, but is not limited to, the following:

16

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions. . . .

17

5. Code section 2762 provides, in pertinent part:

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20

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

25

26

27

28

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

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SEARCHED INDEXED
SERIALIZED FILED
JUN 15 1981
FBI - LOS ANGELES

1 6. Code section 4022 provides:

2 "Dangerous drug" or "dangerous device" means any drug
3 or device unsafe for self-use in humans or animals, and includes
the following:

4 (a) Any drug that bears the legend: "Caution: federal law
5 prohibits dispensing without prescription," "Rx only," or words
of similar import.

6 (b) Any device that bears the statement: "Caution:
7 federal law restricts this device to sale by or on the order of a
8 _____," "Rx only," or words of similar import, the blank
to be filled in with the designation of the practitioner licensed
to use or order use of the device.

9 (c) Any other drug or device that by federal or state
10 law can be lawfully dispensed only on prescription or furnished
pursuant to Section 4006.

11 7. Code section 125.3 provides that the Board may request the administrative
12 law judge to direct a licensee found to have committed a violation or violations of the licensing
13 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
14 the case.

15 REGULATORY PROVISIONS

16 8. California Code of Regulations, title 16, section 1442, provides:

17 As used in Section 2761 of the code, "gross negligence"
18 includes an extreme departure from the standard of care which,
19 under similar circumstances, would have ordinarily been exercised
20 by a competent registered nurse. Such an extreme departure means
21 the repeated failure to provide nursing care as required or failure to
provide care or to exercise ordinary precaution in a single situation
which the nurse knew, or should have known, could have
jeopardized the client's health or life.

22 DRUGS

23 9. "MS Contin," is a brand name for Morphine, and is a Schedule II
24 controlled substance as designated by Health and Safety Code section 11055, subdivision
25 (b)(1)(M), and a dangerous drug within the meaning of Code section 4022.

26 Background

27 10. On or about September 1, 2004, Respondent was on duty as a registered
28 nurse at Mercy Medical Center (Mercy), located in Merced, California. At approximately 0630

1 hours, Respondent administered a 90 mg dose of MS Contin to Patient "A." Respondent had
2 been advised by an on-duty charge nurse not to administer MS Contin to any patient until a
3 discrepancy in physician medication administration orders concerning Patients "A" and "B" had
4 been clarified. As a consequence of Respondent's administration of MS Contin to Patient "A,"
5 the patient suffered respiratory depression, which required treatment and hospitalization for an
6 additional day.

7
8 **FIRST CAUSE FOR DISCIPLINE**

(Gross Negligence)

9 11. Respondent's license is subject to discipline for unprofessional
10 conduct under Code section 2761, subdivision (a)(1), in that on or about September 1, 2004,
11 at approximately 0630 hours, while on duty as a registered nurse at Mercy, Respondent
12 committed acts of gross negligence by administering a 90 mg dose of MS Contin
13 to Patient "A," without clarifying the order for MS Contin prior to administering the MS Contin.
14 Respondent had previously been advised by the on-duty charge nurse not to administer MS
15 Contin to any patient until a discrepancy in physician medication administration orders
16 concerning Patients "A" and "B" had been clarified.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Wrongfully Administering a Controlled Substance/Dangerous Drug)

19 12. Respondent's license is subject to discipline for unprofessional
20 conduct under Code section 2762, subdivision (a), in that on or about September 1, 2004,
21 at approximately 0630 hours, while on duty as a registered nurse at Mercy, Respondent
22 administered a 90 mg dose of MS Contin to Patient "A," without the direction of a licensed
23 physician, surgeon, dentist, or podiatrist.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (Making False, Grossly Incorrect, Grossly Inconsistent,
26 or Unintelligible Record Entries)

27 13. Respondent's license is subject to discipline for unprofessional
28 conduct under Code section 2762, subdivision (e), in that on or about September 1, 2004,


1 at approximately 0630 hours, while on duty as a registered nurse at Mercy, Respondent made
2 false, grossly incorrect, or grossly inconsistent entries in a hospital, patient, or other record
3 pertaining to MS Contin, in that Respondent documented the administration of a 90 mg dose of
4 MS Contin to the patient without a physician's order to do so.

5 **PRAYER**

6 **WHEREFORE**, Complainant requests that a hearing be held on the matters
7 herein alleged, and that following the hearing the Board issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 358346 to
9 Catherine Kazue Lindberg;
- 10 2. Ordering Catherine Kazue Lindberg to pay the reasonable costs incurred
11 by the Board in the investigation and enforcement of this case pursuant to Code section 125.3;
12 and;
- 13 3. Taking such other and further action as deemed necessary and proper.

14
15 **DATED:** 11/9/07

16
17
18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant